

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE EASTERN DISTRICT OF MISSOURI  
3                   EASTERN DIVISION  
4

5 JAMES CODY, et al.,

6           Plaintiffs,

7 v.   Cause No. 4:17-cv-2707

8 THE CITY OF ST. LOUIS,

9           Defendant.

10   ~~~~~

11   30(b)(6) Deposition of

12   The City of St. Louis

13   (Designee Witness: JAMIE LAMBING)

14

15   August 14, 2018

16   1:14 P.M.

17

18   Taken at:

19   City of St. Louis City Hall

20   1200 Market Street

21   Law Department, Room 314

22   St. Louis, Missouri

23

24

25

J. Bryan Jordan, CCR-M0

2

1 APPEARANCES:

2

3 On behalf of the Plaintiffs, JAMES CODY, et al.:

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10

11 ALSO PRESENT:

12 Emanuel Powell, Law Intern

13

14

15 On behalf of the Defendant, THE CITY OF ST. LOUIS:

16 St. Louis City Counselor's Office, by

17 ANDREW D. WHEATON, ESQ.

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1	TRANSCRIPT INDEX	
2		
3	APPEARANCES .....	2
4		
5	INDEX OF EXHIBITS .....	4
6		
7	EXAMINATION OF JAMIE LAMBING:	
8	BY MR. CARROLL .....	5
9		
10		
11	REPORTER'S CERTIFICATE .....	74
12		
13	EXHIBIT CUSTODY	
14	EXHIBITS RETAINED BY COURT REPORTER	
15		
16		
17		
18		

19

20

21

22

23

24

25

4

## 1 INDEX OF EXHIBITS

2	NUMBER	DESCRIPTION	MARKED
3	Plaintiff's Exhibits:		
4	Exhibit 1 --	Third Amended Notice of	
5		Deposition (No Bates stamps) .....	6
6	Exhibit 2 --	Photographs from inside of	
7		shipping container, Bates stamps	
8		CODYETAL_006075, 76, 78, 79, 80, 81,	
9		85, 86, 87, 89, 90, 92, 94, 95, 96,	
10		98, 100, 101, 103, 105, 107, 109,	
11		110, 111, 113, 115, 118, 120, 121,	
12		122, 123, 124, 125, 126, 127, 128 ..	21
13	Exhibit 3 --	7/20/2017 daily temperature	
14		report (No Bates stamps) .....	52
15	Exhibit 4 --	Documents re Inmate No. 146388,	
		Bates stamped CODYETAL_5343 through	
		5372 (Designated on the record as	
		confidential) .....	58
	Exhibit 5 --	IJMS Incident Report dated	
		1/11/2017, Bates stamped	
		CODYETAL_3912 and 3913 .....	60

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5

1 JAMIE LAMBING,  
2 of lawful age, having been first duly sworn to testify  
3 the truth, the whole truth, and nothing but the truth  
4 in the case aforesaid, deposes and says in reply to  
5 oral interrogatories propounded as follows, to-wit:

6 EXAMINATION

7 QUESTIONS BY MR. CARROLL:

8 Q. All right, good afternoon. My name is  
9 Nathaniel Carroll, and I'm an attorney with Arch City  
10 Defenders. I'm joined by one of our law interns,  
11 Emanuel Powell today, and we, our firm represents  
12 seven plaintiffs, individually and on behalf of a  
13 class, in an action called Cody, et al., vs. City of

14 St. Louis. We've asked you to come here, today, to  
15 talk about some different topics related to records at  
16 the Medium Security Institute.

17 Do you want to go ahead and spell your name  
18 for the record, so we don't misspell it?

19 A. That's J-a-m-i-e is the first name, Lambing,  
20 L-a-m like "money," "b" like "bank," -i-n-g.

21 Q. Very good. Have you ever given a deposition  
22 before?

23 A. Yes.

24 Q. About how many times?

25 A. Three or four.

6

1 Q. Okay, so you probably recall from past  
2 depositions the general rules, and you are doing a  
3 good job already of one of the most important ones,  
4 which is that we don't talk over each other like we  
5 might in a normal conversation. I'll do my best to  
6 wait until you are done speaking before I ask you a  
7 question, and I ask you to do the same. Does that  
8 make sense?

9 A. Yes.

10 Q. Very good. You are also doing a good job of

11 the other important thing, which is to say "Yes," or  
12 "No," or to speak an answer, rather than nod your  
13 head. Does that make sense?

14 A. Yes.

15 Q. Okay. If I ask you a question that's  
16 confusing or that you don't understand, please let me  
17 know, because otherwise, if you answer, I will assume  
18 that you understood the question. Is that fair?

19 A. Yes.

20 Q. Okay, great. How are you feeling today?

21 A. I am fine.

22 Q. You are good. Okay, good.

23 (Plaintiff's Exhibit 1  
24 marked for identification.)

25 So I'll go ahead and hand you the first

7

1 exhibit we've marked as Exhibit 1, and this is the  
2 Third Amended Notice of Deposition. The amendments  
3 that happened to it were for the locations, but on the  
4 second page of this exhibit, we've listed several  
5 topics. Have you seen this document before?

6 A. Yes.

7 Q. Okay, good.

8 MR. WHEATON: Nathaniel, at this point,--

9 MR. CARROLL: Yeah,--

10 MR. WHEATON: --I'd just like to--

11 MR. CARROLL: --I'm about to cover--

12 MR. WHEATON: --cover our agreement.

13 MR. CARROLL: Right.

14 BY MR. CARROLL:

15 Q. So prior to this deposition, after we issued  
16 this notice, I had a chance to talk to the City's  
17 attorney, Andrew Wheaton here, about this notice, and  
18 he said that for topics 1-b., topics 2 and 3, that you  
19 would, you would be able to testify so to speak, on  
20 the City's behalf, but that for the first topic, 1-a.,  
21 as it relates to electronic records and systems, that  
22 you can tell us what you know, but we might have to  
23 ask someone else about the sort of information  
24 technology side of things. Is that accurate?

25 A. Yes.

8

1 Q. Okay.

2 MR. WHEATON: And just to be clear, for  
3 topic 1-a., Ms. Lambing is not the City's designee.  
4 For topic 1-b., she is the City's designee, with the  
5 exception of the subcategories for budgeting/finance,



6 Human Resources compliance, and e-mail communications.

7           There is one caveat I'd like to add that we  
8 haven't had a chance to discuss yet. In terms of  
9 booking, and inmate classification and management, it  
10 may be necessary for the--you know, it depends how  
11 in-depth you want to get on booking, but booking is  
12 technically a process that is handled by the St. Louis  
13 Metropolitan Police Department's--

14           MR. CARROLL: Okay.

15           MR. WHEATON: --Prisoner Processing  
16 Division. She's not an expert in their procedures--

17           MR. CARROLL: Okay.

18           MR. WHEATON: --or records.

19           MR. CARROLL: That's great, and that is  
20 helpful info, and so we won't spend much time bugging  
21 you about that one, Ms. Lambing.

22 BY MR. CARROLL:

23           Q. Okay. Before--before we go any further, I  
24 wanted to let you know that in this case, there's a  
25 protective order in place, and so you might see

1 information in the documents that we look at today  
2 that has confidential information from inmates that  
3 may, at some point, even if it's not labeled today, be

4 labeled protected and confidential, so I just ask that  
5 you don't share any information that you see on the  
6 documents today with anyone outside of your attorneys  
7 or this room. Can you agree to that?

8 A. Yes.

9 Q. Okay, great.

10 Did you do anything to prepare for your  
11 deposition today?

12 A. Yes.

13 Q. What did you do?

14 A. I went through these topics with The City  
15 Counselor's Office and reviewed what records we had.

16 Q. Okay, great, so having done that, you feel  
17 that--or are you in the best position to tell me if a  
18 certain type of record would exist or is kept in the  
19 normal course of business by the Medium Security  
20 Institute?

21 A. Yes.

22 Q. Okay. Great. What is your current job  
23 title?

24 A. Records Retention Supervisor.

25 Q. And is that for the entire City of

1 St. Louis?

2 A. No, for the Division of Corrections.

3 Q. Okay, and what falls under the Division of  
4 Corrections?

5 A. That would be the Division of Corrections.  
6 That's the jail, and that's once a person is in  
7 custody.

8 Q. Okay, and that--when you say "the jail," do  
9 you mean both the Criminal Justice Center and the  
10 Medium Security Institute?

11 A. Yes.

12 Q. Okay. If I say "MSI," you understand that  
13 to mean Medium Security Institute?

14 A. I do.

15 Q. Okay, have you heard anyone call it "the  
16 workhouse" before?

17 A. I have heard it called that.

18 Q. Do you prefer "MSI" or "workhouse"?

19 A. MSI.

20 Q. Okay, then that's what we'll call it today.

21 So prior to having this position at MSI, or  
22 excuse me, the Department of Corrections, did you work  
23 for the City in any capacity?

24 A. I have worked for the City in a previous  
25 capacity.

1 Q. And what was that?

2 A. I was the Records Manager for the Collector  
3 of Revenue's office.

4 Q. How long did you do that job?

5 A. Over seven years.

6 Q. Okay, and then after that, did you go  
7 straight to the Department of Corrections?

8 A. No, I did not.

9 MR. WHEATON: Just a point of clarification;  
10 it's the Division of Corrections.

11 MR. CARROLL: Excuse me. Yeah. Very good;  
12 Division of Corrections.

13 BY MR. CARROLL:

14 Q. So where did you go after the Recorder's  
15 Office?

16 A. Collector's Office.

17 Q. Collector's Office; okay.

18 A. The St. Louis County Library.

19 Q. Okay, and what was your job there?

20 A. Circulation.

21 Q. Okay, and when did you start working for the  
22 Division of Corrections in St. Louis City?

23 A. March 25th, 2013.

24 Q. And that was the--your current job title is  
25 the same one you received when you started?

12

1 A. Yes.

2 Q. Okay.

3 Do you have any--what's your highest level  
4 of education?

5 A. I have two years towards a Master's program,  
6 but I didn't finish it.

7 Q. Okay, what were you studying?

8 A. English.

9 Q. Very good, and then so you, presumably,  
10 graduated from college?

11 A. Yes.

12 Q. Where did you go to college?

13 A. University of Missouri-Rolla.

14 Q. And what did you study there?

15 A. History and English.

16 Q. Okay, good. Other than working for the  
17 Collector's Office and the Division of Corrections,  
18 have you worked for the City of St. Louis in any other  
19 capacity?

20 A. I have not.

21 Q. Okay. Do you have an immediate supervisor?

22 A. I do.

23 Q. What is their name?

24 A. Dale Glass, Commissioner.

25 Q. Okay, and that's Commissioner of the

13

1 Division of Corrections?

2 A. Correct.

3 Q. Do you have any subordinate employees?

4 A. I do.

5 Q. How many?

6 A. Currently, I have two.

7 Q. Okay, and what do they do?

8 A. They process records and help me with

9 records requests.

10 Q. Okay. What do you mean by "process  
11 records," or can you describe that to me?

12 A. When records come in, we inventory them,  
13 sometimes organize them, depending on the state of the  
14 records. We prepare them for when they are--when they  
15 reach retention, we put that date on there, and we  
16 keep the inventory, and when asked for information  
17 from those records, we pull them.

18 Q. Okay, so in the normal course of your job,

19 is it fair to say that you are responsible for  
20 organizing the records in a certain way?

21 A. Correct.

22 Q. Okay, and it's important to organize them so  
23 that you can find them later; is that correct?

24 A. Correct.

25 Q. Okay. Do you have--is there a particular

14

1 method by which you organize them?

2 A. Not really. We can do them alphabetical,  
3 chronological, we can keep them in the order they came  
4 in, so it just depends on the type of records, and how  
5 they were given to us, and how the individual that  
6 gave them to us would request them.

7 Q. Okay. When--right now, in 2018, does your  
8 office digitize or scan any of the records?

9 A. We do not.

10 Q. Okay, so you keep paper files, correct?

11 A. Yes.

12 Q. Okay. When records come in, do you make  
13 photocopies of them?

14 A. Only if requested.

15 Q. Okay, and who would be submitting records to

16 your office?

17 A. The Division of Correction employees, any  
18 office where there are papers created.

19 Q. And where is your office located?

20 A. My office is currently located at CJC.

21 Q. Okay, and are records from MSI, let's say  
22 they're generated today and they need to be filed in  
23 your office. Do they need to come to CJC?

24 A. Currently, no.

25 Q. Where do they go currently?

15

1 A. Currently, they're at MSI.

2 Q. Okay, and anywhere in particular at MSI?

3 A. At this point, we are looking for a place to  
4 put them.

5 Q. Okay, so until then, does everyone at MSI  
6 just have to hold onto their paperwork?

7 A. Sometimes. Sometimes, they send them to  
8 Maintenance.

9 Q. Maintenance? Does Maintenance have some  
10 place to store them?

11 A. Not really.

12 Q. Not really; okay. Do you know what  
13 Maintenance does with--



14 A. They put them—they stack them in a corner.

15 Q. Okay, until you can find some space?

16 A. Yes.

17 Q. Okay. How long have you been looking for  
18 space to store these records?

19 A. June.

20 Q. Since June?

21 A. Of 2018. (Nods head in affirmative manner).

22 Q. Okay. Prior to then, you had additional  
23 space somewhere?

24 A. Yes, I did.

25 Q. Where was that?

16

1 A. That was in CJC, one of the pods, 5 Charlie.

2 Q. Okay, so "5 Charlie" meaning a 5C?

3 A. Mm-hmm. (Nods head in affirmative manner).

4 Q. Okay, and what is a pod?

5 A. A pod is a place where they keep inmates.

6 It's a discrete unit that they house inmates in.

7 Q. Multiple inmates?

8 A. Multiple. (Nods head in affirmative  
9 manner).

10 Q. And when the records were in 5 Charlie,

11 there were not inmates accessing them, correct?

12 A. There were no inmates in 5 Charlie.

13 Q. Okay, so prior to--so I think it sounds  
14 like, from your timeline, we know that June 2018 is  
15 sort of a transition date, and prior to June 2018,  
16 were documents from both CJC and MSI in that 5 Charlie  
17 pod?

18 A. Yes.

19 Q. Okay, and they would get there through your  
20 office; is that correct?

21 A. Maintenance from MSI would bring them up.

22 Q. Okay, so is there any particular reason that  
23 Maintenance brings the documents?

24 A. Because they have access to vehicles.

25 Q. Okay. Okay, very good. So not every MSI

17

1 employee has a City vehicle that they can transport  
2 file boxes in?

3 A. Correct.

4 Q. Okay.

5 A. And not only that, but that many.

6 Q. That many; okay. About how many boxes on--  
7 before you moved, about how many boxes do you estimate  
8 were in the 5 Charlie pod?

9           A.    Um, I would say--I can't estimate boxes. I  
10 would--12 to 14 tons.

11           Q.    Okay, did you have a way to weigh them?

12           A.    Yes, the boxes. I--yes. I just don't  
13 remember the number. I know that when I did the math,  
14 they were 12 to 14 tons.

15           Q.    Wow. Okay, so how did you do the math? Did  
16 you calculate--

17           A.    I know how much a box weighs.

18           Q.    Okay.

19           A.    I just have lost the number of the boxes.

20           Q.    Okay, so you took the approximate weight of  
21 a box times the number of boxes that you--

22           A.    A document box weighs between 35 and 40  
23 pounds.

24           Q.    Okay, good, and so the total ended up being  
25 between, you said, 12 and 14 tons?

18

1           A.    That was our estimate.

2           Q.    Okay, and then after June 2018, you moved  
3 the documents, correct?

4           A.    I didn't. I had help moving them.

5           Q.    Who helped you move them?

6           A.    My clerk and the Division of Correction  
7   (sic) personnel.

8           Q.    How many? How many personnel?

9           A.    Eight. Eight.

10          Q.    Okay. When they were moved, did you give  
11 them any instruction on organizing the documents?

12          A.    I tried to.

13          Q.    Okay. What do you mean by "I tried to"?

14          A.    I definitely had a plan going into it, but  
15 by the time we got there and we were under a time  
16 crunch, at a certain point, I lost intellectual  
17 control of the records.

18          Q.    Okay. Okay. Prior to moving them, did you  
19 take an inventory--

20          A.    Yes.

21          Q.    --or keep a log?

22          A.    Yes.

23          Q.    Okay, do you still have that log?

24          A.    Yes.

25          Q.    Excellent.

19

1           A.    And I turned it over to Counsel.

2           Q.    Okay, good, so we could ask Andrew for a  
3 copy, then.

4 A. (Nods head in affirmative manner).

5 Q. On that log, how is it organized?

6 A. It's just a straight inventory.

7 Q. Does it list--are the boxes numbered?

8 A. Some of the boxes were, some of them  
9 weren't.

10 Q. Okay. Were they numbered prior to being  
11 moved?

12 A. Some of them were, some of them weren't.

13 Q. Okay.

14 A. Some of them were alphabetical.

15 Q. Okay, and then the, the log, is that  
16 something that you wrote out by hand?

17 A. It was written out by hand and then put  
18 into, probably, a Word document or an Excel document.  
19 I don't know.

20 Q. Okay, and you gave your attorneys a paper  
21 copy of that?

22 A. I sent them a digital copy, yes.

23 Q. A digital copy; great. Okay. So if you had  
24 that log in front of you and we went to look at the,  
25 the documents as they are today, would you be able to

1 pick an entry on the log and find a box where they  
2 are?

3 A. Probably not.

4 Q. Okay.

5 A. Some, maybe, but ultimately, no.

6 Q. Okay.

7 A. That's what it means by losing intellectual  
8 control.

9 Q. Tell me more about that. I've never heard  
10 that term before. What do you mean by losing  
11 intellectual control?

12 A. It means that I had a way to find documents.

13 Q. Okay.

14 A. Prior to that, I knew where they were, I  
15 could go and find them, I knew which box they were in,  
16 I could pull the box, I could pull the file, and it  
17 took a relatively short period of time.

18 Q. Okay, and how were you able to do that?

19 Let me rephrase that. How were they  
20 organized at the 5 Charlie pod?

21 A. I had to organize the rooms, the cells, into  
22 different types, record series.

23 Q. Okay.

24 A. So depending on the record series, I could  
25 go to the cell and find it in a fairly short period of

1 time.

2 Q. Okay, and your goal when you started out was  
3 to keep some sort of--

4 A. Yes.

5 Q. --semblance of that system?

6 A. My clerk and I actually worked out a goal  
7 and actually planned what boxes went where, but I  
8 didn't--wasn't able to maintain it. I couldn't keep  
9 them in order.

10 Q. So I'm going to give you a stack that we'll  
11 mark just as Exhibit 2.

12 (Plaintiff's Exhibit 2  
13 marked for identification.)

14 Andrew, these are a printout of--from the  
15 production that we gave you yesterday, City 6075  
16 through 6128, and we're not going to look at all of  
17 them. I just printed--I'll show them to you if you  
18 want. I just printed one copy because--

19 MR. WHEATON: That's okay.

20 MR. CARROLL: --I didn't want to use up a  
21 bunch of color ink, and we'll look at these together.

22 BY MR. CARROLL:

23 Q. Do you recognize what this picture depicts?

24 A. Yes.

25 Q. Okay, what is this?

22

1 A. This is the inside of a shipping container  
2 at MSI.

3 Q. Okay, and so this is page number 6075,  
4 inside a container. Is 6076 also--

5 A. Yes.

6 Q. --the same picture?

7 A. Yes.

8 Q. Or the same conditions?

9 A. The same--it's a shipping container.

10 Q. So we won't have to go through all of them.

11 And is this page, 6080, that is a shipping  
12 container, correct?

13 A. Yes, it is.

14 Q. Okay. How--is there any time limit on how  
15 long this shipping container can sit there?

16 A. I don't know.

17 Q. Do you know if the City owns it or rents it?

18 A. We rent it.

19 Q. Okay, and to your knowledge, has it been  
20 moved since you put the boxes and files in there?



21 A. To my knowledge, no.  
22 Q. Okay. Do you have access to this?  
23 A. Yes.  
24 Q. How do you access it?  
25 A. There's a key.

23

1 Q. Okay, and so you keep it locked?  
2 A. Yes.  
3 Q. And if anyone needs to put records in or  
4 take records out, they have to come through you?  
5 A. To take records out, yes.  
6 Q. No one is putting more records in this right  
7 now?  
8 A. No. There's no room.  
9 Q. If, at the MSI, there are records being  
10 kept, they might go to Maintenance, they might just  
11 stay in place?  
12 A. They will not go in there. There is no room  
13 in that container.  
14 Q. Okay, very good, and maybe what I'd like you  
15 to do is just look through here and make sure that you  
16 recognize everything here. You don't have to describe  
17 it, but if there's anything, any picture that, for  
18 some reason, doesn't ring a bell, let me know.

19 Otherwise, we'll just make sure that we're talking  
20 about the same shipping container.

21 (Witness peruses photographs in  
22 Plaintiff's Exhibit 2.)

23 A. Yes, these are all from the shipping  
24 container at MSI.

25 Q. And then I'd like you to look at what I'm

24

1 going to mark--so some boxes, like this one on page  
2 6086, would you read the top of that list, there?

3 A. "MISC FINANCIAL RECORDS."

4 Q. Does that mean "miscellaneous"?

5 A. Yes.

6 Q. And are you able--is the rest of this piece  
7 of paper on the front of that box, is that more or  
8 less an index for that particular box?

9 A. Yes.

10 Q. Okay. Did every box that was put in the  
11 shipping container have an index?

12 A. Um, no.

13 Q. Okay. Okay.

14 A. Some did, some didn't, and some were  
15 internal, some were external. Some were in the boxes,

16 some were outside the box.

17 Q. So if it's not on the outside, we might have  
18 to look inside the box?

19 A. Correct.

20 Q. And if it's not inside the box, as well,  
21 then--

22 A. There isn't one.

23 Q. Okay, and so, then, we'd have to look at  
24 each piece of paper to index it?

25 A. Correct.

25

1 Q. On page 6087 of Exhibit 2, it's an open tub,  
2 it looks like.

3 A. Yes.

4 Q. And there's a piece of paper on top that  
5 says "Medical Records Invoices--Paid." Do you see  
6 that?

7 A. Yes, I do.

8 Q. Do you know if this box is containing  
9 medical record invoices?

10 A. N--yes, it is.

11 Q. How can you tell?

12 A. Because that's what it says.

13 Q. Okay, so this paper belongs with this box?

14 A. Yes.

15 Q. Okay, good, and then some boxes do have a  
16 storage label. Did you create these labels?

17 A. Yes, I did.

18 Q. Okay, they're very organized.

19 A. Yes.

20 Q. Is this part of your system of keeping  
21 track?

22 A. Yes.

23 Q. Okay, and so for this particular box on page  
24 6089, you have listed "Record Series: PAYROLL." What  
25 is a record series?

26

1 A. It is a discrete unit of records that go  
2 together.

3 Q. Okay, and then is there an even more  
4 discrete subseries or subcategory within each series?

5 A. There can be, based on the series. In this  
6 case, payroll records could be OTA, which is what it  
7 says, which is overtime adjustment.

8 Q. Okay.

9 A. So those are specific, so we would keep  
10 those together.

11 Q. And looking at this particular box, we  
12 would--is "MSI," that's Medium Security Institute?

13 A. Mm-hmm. (Nods head in affirmative manner).

14 Q. Okay, so we know that records in this box  
15 are related to MSI overtime adjustments and they're  
16 from the payroll records series?

17 A. Right. Well, the unit they came from is  
18 Personnel.

19 Q. Oh, okay, so--

20 A. It all breaks down when you read it as the  
21 numbers go down.

22 Q. Okay, so you start at "Section/Unit."

23 A. (Nods head in affirmative manner).

24 Q. And what are the different sections or units  
25 that you might get documents from, from the MSI?

27

1 A. Personnel--pay, Personnel, Chief of  
2 Security, Administrative, those are the ones that pop  
3 out at me.

4 Q. Does Maintenance fall under Personnel?

5 A. Maintenance. Sorry. Thank you.

6 Q. Maintenance is separate?

7 A. Yeah, Maintenance would have their own  
8 because--their own section.

9 Q. Okay. Where--what about inmate records?

10 A. Inmate records would fall under a couple of  
11 categories; Social Services.

12 Q. Social Services. Any other categories?

13 A. Social Services would include Constituency  
14 Service Unit, which would have its own category  
15 because they're a discrete unit.

16 Q. Okay. Okay, and where--what section or unit  
17 would inmate grievance forms or complaint forms fall  
18 under?

19 A. Constituency Service Unit.

20 Q. And do you call it the CSU?

21 A. CSU.

22 Q. Okay, so Constituency Service Unit, CSU;  
23 okay.

24 Here's another box on page 6090 with a  
25 section/unit of "Business Office." Is that another

28

1 section or unit--

2 A. Yes.

3 Q. --that you receive records from?

4 A. But not at MSI.

5 Q. Okay, so looking on this box, is there a way

6 for--is there anything on here that indicates it's not  
7 from MSI?

8 A. Well, it's Business Office. Business Office  
9 is at CJC.

10 Q. Okay. Now, does the Business Office handle  
11 any business for the MSI?

12 A. Yes,--

13 Q. Okay.

14 A. --they do.

15 Q. So there might--in this particular box that  
16 says financial records from the Business Office, it  
17 might have records that relate to the MSI?

18 A. Correct.

19 Q. But also the CJC?

20 A. Correct.

21 Q. Okay.

22 A. But the unit is at CJC.

23 Q. That makes sense. So if we wanted to see  
24 financial records for this fiscal year 2013 for MSI,  
25 we'd have to sort through this box?

29

1 A. Correct.

2 Q. Okay, so this box on page 6094 is labeled

3 "MSI August 2012," correct?

4 A. Correct.

5 Q. And what does this writing mean?

6 A. Institutional transfers, movement sheets,  
7 housing inspection, so it would mean people that had  
8 been transferred from CJC to MSI or from MSI to CJC.  
9 Movement sheets would be movement within the facility.  
10 Housing inspection would be that particular housing  
11 unit had been inspected, and I don't know what would  
12 be on the form.

13 Q. Okay, and so, so there at some point--well,  
14 records in here meaning at some point, an inmate was  
15 either transferred to CJC from MSI or went to MSI,  
16 correct?

17 A. Correct.

18 Q. Okay, and what's this red X mean on the box?

19 A. The red X means that it's out of retention.

20 Q. What is retention?

21 A. Retention is the time period we have to keep  
22 it by State statute.

23 Q. And do you know how long that is?

24 A. Yes, five years.

25 Q. Five years from the time it's received or



1 created?

2 A. From the time it's created.

3 Q. Okay, and so how--are all the documents in  
4 this box created on the same day?

5 A. Well, they're in August of 2012.

6 Q. Okay.

7 A. So if I were creating a retention schedule,  
8 I would keep them until September 2017.

9 Q. Okay, and then after the retention period of  
10 five years expires, what is the City's procedure for--

11 A. They're securely shredded according to state  
12 statutes.

13 Q. Okay, and when they are shredded, is any  
14 sort of log or archives kept of what was destroyed?

15 A. Yes.

16 Q. Okay, and do you maintain those records?

17 A. Yes.

18 Q. And you have some you started in 2013?

19 A. Since I started doing the shredding. I  
20 don't know when I started doing the shredding--

21 Q. Okay.

22 A. --in reference, but I didn't start in March  
23 of 2013.

24 Q. In March of 2013, was anyone else doing  
25 shredding?

1 A. I don't know.

2 Q. Okay. On page 6095, these are--look like  
3 sturdier gray boxes here, and--

4 A. Gray Tuffs.

5 Q. And am I correct that these are CJC, that's  
6 from the Criminal Justice Center?

7 A. Yes.

8 Q. Do you know if all the records in this  
9 particular box we're looking at, here, in the middle  
10 of the page, are from CJC?

11 A. I don't know.

12 Q. We'd have to look inside?

13 A. I'd have to look inside. I'm not quite sure  
14 what type of releases those are.

15 Q. And then we see this 2008 release, so that's  
16 how you knew there might be releases in here?

17 A. Yeah, but I'm not sure what type of  
18 releases.

19 Q. That's fine, and this has a red X, again,  
20 because of the retention--

21 A. It's past the five-year retention.

22 Q. Okay, but you keep these for what purpose?

23 A. I hadn't gotten around to shredding them.

24 Q. Oh, okay. All right, and at some point, you  
25 probably learned there was a lawsuit where these

32

1 records might--

2 A. Yes.

3 Q. --become important?

4 A. I was told not to shred.

5 Q. Very good. Okay. Do you know what this  
6 piece of paper is on page 6096?

7 A. Yes. That's a crude inventory of what's in  
8 that box.

9 Q. What's in this particular box?

10 A. Yeah. I don't know, I can't tell what kind  
11 of--oh, it's a gray Tuff.

12 Q. Okay.

13 A. I can't tell, I couldn't tell if--yeah, it's  
14 an inventory of what's in the box.

15 Q. Okay. Okay, and picture 6103, there's a  
16 stack of one, two, three, four, five boxes high, and  
17 the second box from the bottom on the left side,  
18 there's a little note, there. Do you see it? I think  
19 it says, "Mixed." Is that correct?

20 A. Yes.

21 Q. What does that mean?  
22 A. It's a mix of intakes.  
23 Q. From--a mix--what are you mixing together?  
24 A. Mix from time periods.  
25 Q. Okay, so it would be some from 2007, some

33

1 from 2008?  
2 A. Yes.  
3 Q. Okay. Within these boxes, do you know if  
4 these intakes were kept chronologically?  
5 A. I don't know.  
6 Q. Okay. Okay, on--this is picture 6107.  
7 There's a piece of paper on the ground. Is that meant  
8 to be on the ground?  
9 A. It fell off.  
10 Q. Fell off of a box?  
11 A. Yeah.  
12 Q. All right.  
13 A. The tape doesn't stick to those gray Tuffs.  
14 Q. Okay. There's a box in this picture, 6105,  
15 with a label that says "Chief of Security."  
16 A. (Nods head in affirmative manner).  
17 Q. Where is that section or unit?  
18 A. I think in either CJC or MSI. I would have

19 to check the records on the inside to know.

20 Q. Okay. All right.

21 MR. WHEATON: Are you doing okay?

22 THE WITNESS: Mm-hmm.

23 MR. CARROLL: Yeah, anytime you need a--

24 THE WITNESS: No, I'm--

25 MR. CARROLL: --break, you can--

34

1 THE WITNESS: I'll be fine.

2 MR. CARROLL: And I understand you want to

3 get out of here by 5:00, and we'll make sure we do

4 that, too, so--I hope so. I'd like to do that.

5 BY MR. CARROLL:

6 Q. This is page 6109, and these look like

7 Rubbermaid or Tupperware plastic tubs.

8 A. Mm-hmm. (Nods head in affirmative manner.

9 Q. And I think there were six of them, correct?

10 A. Yes, sir.

11 Q. And on the top of them, what do you see

12 written there?

13 A. "Moldy records." That's my handwriting.

14 Q. That's your handwriting. Why did you write

15 that on there?

16 A. Because there are moldy records inside of  
17 it.

18 Q. Okay, where did those records come from?

19 A. They came from the lower level of CJC, and  
20 they came up moldy.

21 Q. Okay.

22 A. I--and they're--they are a biohazard.

23 Q. Okay. Prior to being in the lower-level of  
24 CJC, did any of them come from the MSI facility?

25 A. No.

35

1 Q. Okay.

2 A. They did not.

3 Q. All right, and are these--are these records  
4 that are still within the five-year period?

5 A. No. These are records that could be  
6 shredded but they're a biohazard, so I have to figure  
7 out a way to shred them safely.

8 Q. Okay, but without opening them and digging  
9 through the biohazard, are you confident that these  
10 documents do not contain any MSI records?

11 A. They are CJC Chief of Security records.

12 Q. Okay, so we may not need to open them.

13 A. Don't.

14 (Laughter)

15 Q. We were warned.

16 A. They were--the problem with moldy records--  
17 I'm sorry, I know you didn't ask this, but I am  
18 concerned about that, because if you open them, the  
19 spores could come out and infect all of the records,  
20 and I don't want that to happen.

21 Q. Okay. Have you--have you had that happen to  
22 other records that you've maintained before?

23 A. In the past, I have experienced moldy  
24 records before, yes.

25 Q. Okay, ever through the--with the MSI?

36

1 A. No.

2 Q. Okay.

3 A. This is when I worked for the Division--for  
4 the Army Corps of Engineers.

5 Q. Okay, and that's before the Collector's  
6 Office?

7 A. Correct.

8 Q. Okay, and what ultimately happens to  
9 documents that are infected or tainted with moldy  
10 spores?

11           A.   Basically, they--goes throughout the  
12   records, and it can eat the whole record and then you  
13   can't read them, and they're hard to shred because you  
14   can't just shred them with regular paper. It's a  
15   complicated issue.

16           Q.   Okay. Does the City have a policy, any  
17   written policy with regard to how to dispose of those  
18   records?

19           A.   Not that I'm aware of.

20           Q.   Okay.

21           A.   It's just my past experience that makes me  
22   try to figure out how to get rid of them.

23           Q.   Okay, and do you do, in your--in your  
24   current office where you keep records, do you have any  
25   way of preventing mold from growing on documents?

37

1           A.   Yes. We have had problems before where I  
2   followed procedures to protect records from getting  
3   moldy, and we were able to save several boxes in the  
4   past.

5           Q.   Okay. Do you know what kind of procedures  
6   you would use?

7           A.   Yes. You want to spread them out so they  
8   try separately in an open area where they have plenty



9 of air and plenty of light.

10 Q. Okay, so that's if they got wet, then you  
11 would--

12 A. Yes. We've had records get wet before, and  
13 since I've been there, that hasn't happened.

14 Q. Okay, very good. We'll knock on wood,--

15 A. Yes.

16 Q. --hope it stays that way.

17 A. We actually saved several boxes of medical  
18 records.

19 Q. By drying them out and then making sure they  
20 were clean?

21 A. Mm-hmm. (Nods head in affirmative manner).

22 Q. Okay, so prior to--I guess in June of 2018,  
23 what prompted you to move the records to a shipping  
24 container?

25 A. I was told to do so.

38

1 Q. By whom?

2 A. Commissioner Glass.

3 Q. Okay, and do you know if there are any  
4 records in 5 Charlie pod now?

5 A. There are not. There are none.

6 Q. Were--do you know if--did you ask for the  
7 records to be kept in a shipping container?

8 A. I did not.

9 Q. Okay. Did you have any idea about where  
10 they should be kept?

11 A. They need to be kept in a records storage  
12 facility.

13 Q. Describe to me what a records storage  
14 facility would look like.

15 A. It would be a big warehouse with shelves,  
16 like St. Louis County has.

17 Q. Would it be climate controlled?

18 A. More or less.

19 Q. Humidity controlled?

20 A. Yeah, more or less.

21 Q. Okay, and organized?

22 A. And organized.

23 Q. Okay. About how many hours did it take your  
24 crew to move all of the documents from--

25 A. It took two days, and it took, easily, 10

39

1 the first day. 14 or 15 hours.

2 Q. Total?

3 A. 14 or 15 hours, total.

4 Q. Okay.

5 A. Approximately. I didn't keep good track,  
6 but about that.

7 Q. And is that--is that after you had already  
8 made the log of boxes?

9 A. Yes. We did that before things were moved  
10 out of 5 Charlie.

11 Q. Okay. Do you remember the specific dates  
12 that you did this?

13 A. I don't remember the dates, and I do have  
14 them in my calendar. I can e-mail those dates to  
15 Andrew.

16 Q. That would be great.

17 A. And I actually am thinking that one of them  
18 was late May, now that we are talking about it.

19 Q. Okay.

20 A. But it was late May, mid June, but I will  
21 mail those, e-mail those two dates to Andrew. I don't  
22 know them off the top of my head.

23 Q. Okay, and the documents in the boxes, here,  
24 that you moved from CJC to the MSI shipping container,  
25 did you withhold--did you separate or hold back any

1 boxes that did not get put in a shipping container?

2 A. Yes.

3 Q. And where did those go?

4 A. Those went to my records room.

5 Q. Okay, and what types of boxes were held  
6 back?

7 A. Things--we tried to keep things that were  
8 still in retention.

9 Q. Okay.

10 A. And we tried to keep things, CSU files,  
11 because we knew they were needed, so we went through  
12 all the boxes, looking for all the CSU files we had so  
13 that we could keep those.

14 Q. Okay, so you went through all of the boxes  
15 from the shipping container, or excuse me, from the 5  
16 Charlie--

17 A. 5 Charlie.

18 Q. --and pulled all of the inmate--I'm sorry,  
19 what did you call those records, again?

20 A. Constituency service units, CSU.

21 Q. CSU records.

22 A. So if they were in retention--

23 Q. Mm-hmm?

24 A. --or if they were CSU, we kept them.

25 Q. Okay. About how many boxes did you keep,

1 then?

2 A. I don't know the answer to that one.

3 Q. More than ten?

4 A. Yes, definitely more than ten.

5 Q. More than a hundred?

6 A. I would say less than a hundred.

7 Q. Okay, and those are in your current office

8 at CJC?

9 A. They are in my records room and my office.

10 Q. Okay, so you have your own working space and

11 the records room?

12 A. Yes.

13 Q. Okay, and are they organized in any manner?

14 A. Yes.

15 Q. And how are they organized?

16 A. By records series, and by date, and by where

17 they fit,--

18 Q. Okay.

19 A. --and we have a map.

20 Q. You have a map?

21 A. Of the room,--

22 Q. Okay.

23 A. --so we know where things are in the room.

24 Q. Is that something that you can make a  
25 photocopy of, too,--

42

1 A. Yes.

2 Q. --or is it a very large map?

3 A. No. I can make a photo--I can actually send  
4 it to Andrew.

5 Q. Okay, great. That would be really helpful.  
6 Thank you. Then I don't have to ask you about every  
7 box in there, which I didn't plan on doing, but--let's  
8 see. Is there any written policy for the Division of  
9 Corrections with regard to retaining records?

10 A. Yes.

11 Q. Okay, and who wrote that policy?

12 A. A committee.

13 Q. A committee? Okay. Were you on the  
14 committee?

15 A. Yes.

16 Q. Okay. Do you remember when that happened?

17 A. I want to say that was February 2016, but  
18 I'm not sure.

19 Q. Okay. Prior to that approximate time period  
20 when these policies were--when you helped create the

21 policies, were there any written record retention  
22 policies in place?

23 A. Yes.

24 Q. Okay, why were they rewritten?

25 A. I don't know.

43

1 Q. Okay. Do you keep copies of old policies  
2 somewhere in your office?

3 A. Yes.

4 Q. Okay, so if we wanted to see the old version  
5 and compare it to the new version, you could help us  
6 with, provide those documents?

7 A. Probably.

8 Q. Probably. You could at least look for them?

9 A. Right.

10 Q. Okay, and now, what is the--what is the  
11 general policy or procedure for how documents from the  
12 MSI are stored and organized?

13 A. I can't speak for stored and organized, but  
14 I can say the process is that I have to be involved in  
15 the process and that they are turned over to me.

16 Q. Okay.

17 A. I have a space issue, so--

18 Q. Okay.

19 A. --this is where the problem is.

20 Q. And that's why you described them as being  
21 stacked up in a maintenance office?

22 A. Yes.

23 Q. Okay. Okay. At the MSI, is there a room  
24 where someone, or if you needed to, for example, look  
25 in the shipping container and pull a box and go inside

44

1 and inspect the records, is there a room where someone  
2 can do that?

3 A. I don't know.

4 Q. Okay.

5 A. I don't know.

6 Q. Do you spend much time at MSI?

7 A. No, not really.

8 Q. Okay. Did Commissioner Glass tell you why  
9 he chose a shipping container versus a warehouse?

10 A. He did not.

11 Q. Okay. Do you know how much the City is  
12 paying for the shipping container?

13 A. I don't know.

14 Q. No?

15 A. I don't know. Approximate, \$200 or less.



16 Q. A month?

17 A. Yes.

18 Q. Okay. Okay. That would be cheaper than a  
19 big building, correct?

20 A. I don't know.

21 Q. Okay. Okay, so right now, if we wanted to  
22 see--if we wanted to look at all of the inmate  
23 complaints related to MSI, where would we look?

24 A. Those boxes are here in City Counselor's.

25 Q. Okay.

45

1 A. I sent them over--

2 Q. How many of the--

3 A. --several weeks. There were three.

4 Q. Three boxes?

5 A. (Nods head in affirmative manner).

6 Q. Okay. Before you sent them over, did you  
7 organize them in any way?

8 A. I did. I tried to.

9 Q. Okay. What was that process like?

10 A. Looking at what was there and trying to  
11 figure out how to organize it. Some were alphabetical  
12 by inmate, and some were by date.

13 Q. Okay, and when you were doing that process,

14 did you--did you omit any records?

15 A. No.

16 Q. Okay. Good. We'll take a look at some of  
17 those in a little bit, just to make sure that we know  
18 what the specific forms are.

19 What about medical complaints, or even just  
20 requests for medical care? Who keeps those records?

21 A. Not me.

22 Q. Not you?

23 A. Medical or CS--or if they're in the CSU  
24 records, those would be the two places I've had to  
25 pull them that I would go to, but I--

46

1 Q. Okay.

2 A. --those would be--that's all I have.

3 Q. Okay, so you don't get every piece of paper  
4 that the medical providers create?

5 A. I do not.

6 Q. Okay, and that--do you know that medical  
7 provider to be Corizon?

8 A. Yes.

9 Q. So if we needed to see information about  
10 what sort of medical symptoms inmates might be having,

11 we would have to ask Corizon; correct?

12 A. Correct.

13 Q. Okay. Do you know of anyone else that we  
14 would ask employed with the City?

15 A. If they were in the CSU records.

16 Q. Okay, right, so sometimes, they could be in  
17 the CSU record?

18 A. Correct.

19 Q. Okay.

20 A. And sometimes, most of the time, they're  
21 out, I would say 90-something percent of the time,  
22 they go to Corizon.

23 Q. Okay, so in the photographs we were looking  
24 at earlier, there was boxes labeled "Medical Records."  
25 Were those kept prior to Corizon--

47

1 A. Those were--

2 Q. --moving in?

3 A. Those were not medical complaints.

4 Q. Okay.

5 A. They were medical invoices.

6 Q. Okay, from Corizon, or from--

7 A. No.

8 Q. From a different provider?

9           A.    From the Business Office. Those are  
10    invoices for services. Sometimes, inmates go out for  
11    services.

12           Q.    And then the invoices will come to the  
13    Business Office?

14           A.    (Nods head in affirmative manner).

15           Q.    And the Business Office does what with them?

16           A.    Pays them.

17           Q.    Okay, and then they keep them in these  
18    boxes?

19           A.    Right.

20           Q.    Okay. Does MSI keep classification records  
21    for inmates?

22           A.    I don't know.

23           Q.    Okay.

24           A.    No, I don't know.

25           Q.    Okay. If you wanted to ask somebody, who

48

1    would know?

2           A.    Superintendent Carson.

3           Q.    Okay.

4           A.    They do have a classification section.

5           Q.    Okay, but you don't maintain the

6 classifica--a separate category for classification  
7 records?

8 A. No.

9 Q. Okay. Do you maintain records related to  
10 phone cards?

11 A. We did. We do not any longer.

12 Q. Do you remember when that stopped?

13 A. August of 2015.

14 Q. Okay. Do you know who keeps them now?

15 A. We don't have--we don't have inmate phone  
16 cards anymore.

17 Q. Okay, so the phone card program, as it were,  
18 is no longer--

19 A. Correct.

20 Q. --operating. Okay, and what about  
21 commissary account records?

22 A. Those are kept in an electronic database--

23 Q. Okay.

24 A. --with Keefe.

25 Q. And they're a third-party vendor?

49

1 A. Correct.

2 Q. Okay, but you don't keep paper records of  
3 account statements?

4 A. I do not.

5 Q. If we did find them, it would be because  
6 they're in the CSU file?

7 A. They could be in the CSU file if there's a  
8 problem with an inmate's commissary and they make the  
9 complaint.

10 Q. Does the MSI keep inmate property retention  
11 forms or any sort of inmate inventories?

12 A. I don't know.

13 Q. Okay. Do you keep end-of-shift reports from  
14 MSI?

15 A. We do have some--

16 Q. Okay--

17 A. --with the Chief of Security records.

18 Q. Okay, so if we wanted to see reports from  
19 corrections officers at MSI that they made during  
20 their shift or at the end of the shift, that's under  
21 the Chief of Security--

22 A. Correct.

23 Q. --umbrella? Okay.

24 A. Correct.

25 Q. And what was--"umbrella" was not the term

1 you used. What did you call it?

2 A. Records series.

3 Q. Series. Okay, records series; thank you.

4 What about disciplinary reports for MSI

5 employees? Do you keep those records?

6 A. Let me think on this one.

7 We keep some personnel records for

8 reference, and there may be disciplinary in there, but

9 the ultimate personnel records are in the Personnel

10 Department for the City of St. Louis.

11 Q. And that's outside of your scope of

12 knowledge?

13 A. Correct.

14 Q. Okay.

15 A. But there are--there are--they do have some

16 personnel records with disciplinary information in

17 them.

18 Q. Okay. Do you--do you keep copies of the

19 current policies and procedures for the MSI?

20 A. Um, the policies and procedures are for

21 both. There's no specific one--

22 Q. Okay.

23 A. --for MSI.

24 Q. And you keep those?

25 A. I keep some, but I am not that person. If I

1     need them, I have--I go to someone else.

2           Q.     Who do you go to for that?

3           A.     Michael Okpara.

4           Q.     Okay, and what is Michael Okpara's job?

5           A.     Policy and procedures.

6           Q.     Oh. There's a whole--

7           A.     He--

8           Q.     --person for that?

9           A.     There's a whole person for that.

10          Q.     Okay, great. Do you keep, separately,  
11     housing inspections within MSI?

12          A.     Possibly, yes.

13          Q.     Okay.

14          A.     Within the Chief of Security.

15          Q.     What about security around law offices?

16          A.     Chief of Security.

17          Q.     Okay. Temperature logs?

18          A.     Those might be separate, and we've turned  
19     those over to Andrew.

20          Q.     And how did you--so you've--you have seen  
21     temperature logs before then?

22          A.     Okay, yes.

23          Q.     Yes? Okay.



24 A. And we turned all of those over.

25 Q. Okay, and so how did you collect all of

52

1 those?

2 A. Actually, I didn't.

3 Q. Okay. So when you say "we" turned them  
4 over, what do you mean?

5 A. I mean the Division of Corrections turned  
6 them over, and I was in the room with--when they were  
7 turned over to Andrew.

8 Q. Oh, okay.

9 (Plaintiff's Exhibit 3  
10 marked for identification.)

11 I'm going to hand you what is marked  
12 Exhibit 3.

13 Andrew, this, you'll see, has the file  
14 stamp from the court. It's Exhibit A to our First  
15 Amended Complaint, as well. It does not have a Bates  
16 stamp.

17 BY MR. CARROLL:

18 Q. (Continuing) Have you seen this type  
19 document before?

20 A. I have not.

21 Q. Okay, so this is a daily temperature report.

22 A. Yes.

23 Q. Do you know Major Tonya Harry, Chief of  
24 Security?

25 A. I do.

53

1 Q. Do you know if Major Harry is in charge of  
2 receiving temperature logs or daily temperature  
3 reports?

4 A. No.

5 Q. Okay.

6 A. She did these.

7 Q. Okay. Do you know who else was in charge of  
8 gathering the temperature logs or temperature reports?

9 A. I do not.

10 Q. Okay, and other than inmate complaints,  
11 which are separate now, that you gave to the City  
12 Counselor's Office, is there anything else that was  
13 not placed into the shipping container when you moved  
14 them in June of 2018?

15 MR. WHEATON: Object to form. Subject to  
16 that. I just think it's vague. I'm not quite sure  
17 what you are asking, but subject to that, you can  
18 answer if you understand the question.

19 A. I don't know.

20 BY MR. CARROLL:

21 Q. Okay, and I can rephrase, just--just to make  
22 it clear. So prior to June 2018, the 5 Charlie pod  
23 had so many number of boxes in it,--

24 A. (Nods head in affirmative manner).

25 Q. --and then in June of 2018, those boxes were

54

1 moved to a shipping container, and you withheld three  
2 boxes of inmate complaints that you gave to the City  
3 Counselor's Office. Other than those three boxes,  
4 were there any other documents that did not make it  
5 into the shipping container that were in 5 Charlie?

6 A. I previously stated that we kept things that  
7 were still in retention. I don't know--

8 Q. Okay.

9 A. --what series those were, but my clerk was  
10 told if it was in retention, to try to find a place  
11 for it in the records room.

12 Q. Okay, good. So that's, that's helpful.

13 A. But I will say, not everything that was  
14 outside of retention--there were a few things that  
15 went in that were still in retention.

16 Q. Into the shipping container.

17 A. Just a few things, but--

18 Q. And so on, let's say, June 1st, 2018, your  
19 retention would have been what, what year? Or--

20 A. Please, state that again.

21 Q. So what was the--the retention period or the  
22 cutoff date on June 1, 2018, for health?

23 A. That would have been May 2013.

24 Q. Okay, so--

25 A. Or April two thou--if they went in in May,

55

1 it would have been April or May 2013.

2 Q. Okay, so if I came to you and asked for, for  
3 records that might fall under the Chief of Security  
4 series that were after, let's say, 2013, you would  
5 first look at your facility; correct?

6 A. Correct.

7 Q. Okay, and if you couldn't find them there,  
8 then you'd have to look in the shipping container?

9 A. Correct.

10 Q. Okay, very good. Thank you. Do you know  
11 if--do you know if the MSI creates or performs heat  
12 audits that you would retain?

13 A. I do not know.

14 Q. Do you retain, in your office, copies of  
15 environmental and safety rounds?

16 A. If they come to me, I do, but I don't know.

17 Q. Okay. Do you--do you read every document  
18 that comes to your office?

19 A. I do not.

20 Q. Okay, how do you know where to file a  
21 document when it comes to your office?

22 A. We break it down by where they came from.

23 Q. Okay.

24 A. So we break it down where does it come from;  
25 Chief of Security. Chief of the Security where? MSI.

56

1 Okay.

2 Q. Okay.

3 A. Then we go through, okay, what date. It  
4 could be any date, with those records.

5 Q. So do you get instruction from the people  
6 who are submitting the records to you?

7 A. No.

8 Q. Okay, so it's up to you?

9 A. It's just from going through the records, we  
10 recognize they do it by date.

11 Q. So you at least take a look at--a quick look  
12 at what's in the box?

13 A. Initially, I did--

14 Q. Okay.

15 A. --when I first started, but now, I've worked  
16 with the records for that series. They come in by  
17 date. They're stapled.

18 Q. Okay.

19 A. We just put them in a folder and write the  
20 date on it.

21 Q. And that's because it's faster that way?

22 A. Yes. If we need information, we go to that  
23 date.

24 Q. Okay, and you are keeping--are you keeping a  
25 log of when these items come in, as well?

57

1 A. I've been spotty on that.

2 Q. Spotty?

3 A. (Nods head in affirmative manner).

4 Q. Okay. Is that because it takes extra time,  
5 too?

6 A. No.

7 Q. Okay.

8 A. It's because sometimes, my days get really

9 busy.

10 Q. Yeah. Okay.

11 Do you--does anyone ever submit electronic  
12 e-mail records of PDFs to you and say "Please print  
13 this for the records"?

14 A. No.

15 Q. Or "Please save this"?

16 A. No.

17 Q. So you are not in charge of also keeping any  
18 digital archive of documents?

19 A. No.

20 Q. Okay.

21 A. Just--no.

22 Q. Okay. Do you know if records are kept--I  
23 want to talk a little bit about inmate complaints.  
24 When you found boxes of inmate complaints, you had to  
25 organize them, correct?

58

1 A. I had some light organization by file.

2 Q. By file; okay.

3 A. Not by document.

4 Q. Okay, and are there--are there--I'll show  
5 you this. We'll mark this Exhibit 4.

6 (Plaintiff's Exhibit 4  
7 marked for identification.)

8 So this Exhibit 4 begins at CODYETAL\_5343  
9 and goes all the way to a 5372 on the last page. Do  
10 you recognize this, this--looks like a folder depicted  
11 here?

12 MR. WHEATON: And just for the record, we've  
13 agreed that these are confidential and subject--

14 MR. CARROLL: Yes.

15 MR. WHEATON: --to the protective order. I  
16 do not see a confidential marking on them, so I wanted  
17 to make that clear for the record.

18 MR. CARROLL: And we can go back and mark  
19 them, but yes, so this is, like we talked about, this  
20 protective order is in place to prevent confidential  
21 inmate information from being disclosed, so this is  
22 one of those documents, and we'll go ahead and state  
23 on the record that they are confidential.

24 A. I don't recognize this document. I  
25 recognize that it could come from that series.

59

1 Q. Okay, and I'll represent to you this is one  
2 that we--we sent some folks over to this office to  
3 scan by phone these things, but the name on here looks



4 like it's--we'll just use the inmate, inmate number, I  
5 think, 146388, and I believe all of these documents  
6 were in a folder together, but there are a number of  
7 different types of documents in here. If you look on  
8 the second page, which would be page 5344, this is a  
9 handwritten note, it appears; correct?

10 A. Okay.

11 Q. At the bottom, there's a stamp that says,  
12 "Received." Do you know who puts that stamp on there?

13 A. Whoever is doing CSU.

14 Q. Okay, so this is--

15 A. This is a CS--because these are the CSU  
16 records.

17 Q. So this, the "Received" stamp, is not from  
18 your office?

19 A. No.

20 Q. Okay, so you are not receiving complaints  
21 and processing them?

22 A. I do not do that.

23 Q. The only time you receive them is if they  
24 are sent to you?

25 A. When they're inactive.

1 Q. Inactive, so otherwise closed; correct?

2 A. (Nods head in affirmative manner).

3 Q. Okay.

4 A. Correct.

5 Q. And so you also don't know whose handwriting  
6 is at the bottom corner?

7 A. I do not.

8 Q. Okay. That's fine.

9 If you'd turn to the next page, that looks  
10 like it comes from the CSU. Have you ever seen this  
11 form of document?

12 A. Yes.

13 Q. Okay. Do you ever create this type of  
14 document?

15 A. I do not.

16 Q. Okay. You would only see it in the context  
17 of receiving a CSU file, correct?

18 A. As an inactive record.

19 Q. Okay. That's all on that.

20 (Plaintiff's Exhibit 5  
21 marked for identification.)

22 BY MR. CARROLL:

23 Q. All right, I'll hand you Exhibit 5. This is  
24 CODYETAL\_3912 and 3913. Have you ever seen this type  
25 of record before?

1 A. Yes.

2 Q. What is this type of record?

3 A. It's an incident report that's been printed  
4 from IJMS.

5 Q. Do you use IJMS?

6 A. I do.

7 Q. You do? How do you use IJMS?

8 A. I use it for records requests.

9 Q. Okay, can you describe to me an example of  
10 how you would use that?

11 MR. WHEATON: I've just want to make clear I  
12 would consider IJMS would be to be under the heading  
13 of 1-a.,--

14 MR. CARROLL: Okay.

15 MR. WHEATON: --so if she can answer these  
16 questions as a fact witness--

17 MR. CARROLL: Yeah, just--

18 MR. WHEATON: --but not--

19 MR. CARROLL: Yeah.

20 MR. WHEATON: --speaking as a representative  
21 of the City on this issue.

22 MR. CARROLL: Okay.

23 A. I, I use them to--when I get a subpoena on

24 an individual, I pull IJMS records, and it uses (sic)  
25 me--it helps me to figure out what I'm being requested

62

1 and how to respond.

2 BY MR. CARROLL:

3 Q. Okay, and so you could search their name?

4 A. Correct, and inmate number.

5 Q. Inmate number. Is there any other way to  
6 search if you don't have the name or inmate number?

7 A. There is not.

8 Q. Okay, so that's the most important piece,  
9 name and inmate number?

10 A. Correct.

11 Q. Okay. In your experience just working in  
12 your position, not speaking on behalf of the City,  
13 has--how long has this IJMS system been used by the  
14 City?

15 A. I believe it's November 2006.

16 Q. Okay, so it predates your coming onboard?

17 A. Yes.

18 Q. Okay, good.

19 (Pause.)

20 MR. CARROLL: I think we'll take a quick

21 break and then try to wrap up for you,--

22 THE WITNESS: Okay.

23 MR. CARROLL: --get you home. Thank you.

24 (Recess.)

25 MR. CARROLL: Okay, we're back on the

63

1 record. We'll try to finish up pretty quickly, here.

2 You told us about the amount of time it took  
3 to move the boxes from the 5 Charlie unit in CJC to  
4 the shipping container at MSI. Can you, based on that  
5 experience, can you estimate how long it would take to  
6 sort out the shipping container into boxes that only  
7 contain MSI information?

8 A. Um, I cannot begin, because it would depend  
9 on who was doing the work, and it would depend on the  
10 resources that I had, and it would depend on the time  
11 of year, even, so I--it would take months.

12 Q. Okay.

13 A. I would say at last two or three months,--

14 Q. Okay.

15 A. --easily.

16 Q. So that you could know for sure--

17 A. Yes.

18 Q. --all of these documents are CJC, but all

19 those boxes are MSI?

20 A. Yes, it would take a very long time.

21 Q. Okay, and again, the shipping containers is  
22 not the ideal place to keep them; is that correct?

23 A. That is correct.

24 MR. CARROLL: Okay.

25 MR. WHEATON: On that point, this is not

64

1 within the scope of the 30(b)(6) notice. Everybody  
2 has their opinion, you know, speaks out, isn't a  
3 representative of the City on that point.

4 MR. CARROLL: Okay.

5 BY MR. CARROLL:

6 Q. You mentioned earlier that records are  
7 currently being placed in the MSI in a--in the  
8 Maintenance office--

9 A. Yes.

10 Q. --in a corner or in a pile, you said?

11 A. Yes.

12 Q. Who is in charge of that stack of documents?

13 A. Technically, I am. As the records manager,  
14 as the custodian of records, Records Retention  
15 Supervisor, technically, it's me, but I'm asking for a

16 place to go with it.

17 Q. Okay, so at any given time, if you are not  
18 at MSI, is there anyone that has--that's sort of  
19 backing you up for control of those documents?

20 MR. WHEATON: Object to form.

21 MR. CARROLL: Okay.

22 MR. WHEATON: Subject to that, you can  
23 answer.

24 A. I don't know.

25 BY MR. CARROLL:

65

1 Q. Okay, and do you have a way of knowing what  
2 types of documents are in that stack?

3 A. Yes. The type of documents from MSI would  
4 be Chief of Security, possibly Maintenance if they  
5 decide to put their own stuff there, Social Services,  
6 and their payroll office.

7 Q. Okay, and all of those different categories  
8 you just listed, or different sources, those are--is  
9 it--are those different series?

10 A. (Nods head in affirmative manner) Records  
11 series, correct.

12 Q. Do you have a list of the different units,  
13 and series, and subseries for just records that you

14 keep?

15 A. I keep it in my head.

16 Q. In your head?

17 A. (Nods head in affirmative manner).

18 Q. Okay.

19 A. I would have to work it out.

20 Q. Okay. We may need--we may send a, just a  
21 written request to do that, so you don't have to try  
22 to guess now, because we just want to know--

23 A. It breaks down by the sections, and then it  
24 would--that's pretty much how it would go, but yeah,  
25 we could work that out. It wouldn't take long.

66

1 Q. Okay, good, and you wouldn't mind doing that  
2 for us sometime?

3 A. No.

4 Q. Okay.

5 A. That's very easy to do.

6 Q. And then another term that you mentioned was  
7 inactive records.

8 A. Correct.

9 Q. Is that a term that you use just to describe  
10 CSU-type of files?



11 A. It's a term I use to describe all records.

12 Q. Okay, so what makes a record inactive?

13 A. No longer needed.

14 Q. And that could be because the matter is  
15 resolved?

16 A. Possibly.

17 Q. And it could be because it's outside of the  
18 retention period?

19 A. No.

20 Q. Okay.

21 A. Retention is separate.

22 Q. Okay.

23 A. Inactive means you are not using it anymore.

24 Q. Okay, and so when documents come to your  
25 office, are they inactive?

67

1 A. Yes.

2 Q. Okay.

3 A. That's what I tell people, "Are these  
4 inactive records? I'm not your file clerk."

5 Q. That's a good thing to tell, tell people.  
6 Okay.

7 To your knowledge, are any active--did any  
8 active records get placed in the shipping container?

9           A.    No active records were placed in the  
10 shipping container.

11          Q.    If there were any active records, they would  
12 be in your facility at CJC or--

13          A.    It would be with the records creators.

14          Q.    That makes sense. Thank you. Thank you for  
15 clarifying that.

16                Do you know if there are records about  
17 inmate, inmate programming? Like Social--is that  
18 Social Services?

19          A.    Social Service records, and we have a  
20 program coordinator.

21          Q.    Okay, what's that person's name?

22          A.    Robin Edwards.

23          Q.    Okay.

24          A.    And that's actually on the City website.

25          Q.    Yeah.

68

1           A.    It's on our website. If you look at the  
2 Corrections website--I saw it just today--it's all  
3 there.

4           Q.    Okay, good. Well, I won't ask you to go  
5 through the whole website.

6                   Is the name of the person who might be able  
7   to talk about the topic 1-a., the electronically  
8   stored information, is that person named on the  
9   website, too?

10          A.    No, but that would be under Robin Edwards,  
11   as well.

12          Q.    Okay, and that would be--so Robin Edwards is  
13   the person that if you had questions about technology  
14   used at MSI for keeping records, you would ask Robin?

15          A.    Yes, and she might direct one of her staff  
16   to answer me, but Robin is over that section.

17          Q.    Robin; okay. Do you keep any audio  
18   recordings or video recordings, either on cassette, or  
19   CD, or other physical format, at your office?

20          A.    We have some audio, but I don't know what  
21   they are. I don't have the medium to play them.

22          Q.    Okay. Okay, and do you know what form?  
23   Like, how is that audio kept? Is it on a tape?

24          A.    Yeah, little tapes.

25          Q.    Okay.

69

1          A.    I have bags of them.

2          Q.    Bags of tapes?

3          A.    (Nods head in affirmative manner).

4 Q. Okay, and do you know where those bags of  
5 tapes came from?

6 A. (Shakes head in negative manner.)

7 Q. Okay.

8 A. I do not.

9 Q. Okay.

10 A. They came in a box.

11 Q. Okay, from MSI?

12 A. I don't know where they came from.

13 Q. Okay, but you don't regularly archive or  
14 keep copies of videotapes or surveillance footage, to  
15 your knowledge?

16 A. I do not.

17 Q. Okay. When the--when documents are outside  
18 of the retention period and you are ready to shred  
19 them, what is that process like?

20 A. The State statute requires that we have  
21 secure shredding. We have--the City has a contract  
22 with a shredding company, Pro Shred. They come to our  
23 facility, we put the records that I say are outside of  
24 retention into a gray tub, one of the gray shredding  
25 bins, and then I stand there and watch as they put

1    them in the shredder, and I watch on a little screen  
2    that they get shredded.

3           Q.    With a video feed inside the shredder?

4           A.    Yes.

5           Q.    Okay.

6           A.    It's very important, because the State  
7    statute requires that I watch, that I know they've  
8    been shredded.

9           Q.    That's good, very good, and prior, prior to  
10   shredding documents, you have to keep your documents  
11   that you are retaining locked up, as well; correct?

12          A.    Yes.

13          Q.    Okay, and that includes the documents in the  
14   shipping container; yes?

15          A.    Yes, and that's why 5 Charlie has the  
16   locking door.

17          Q.    Okay. That makes sense.

18          A.    My records are locking door; my office,  
19   locking door.

20          Q.    Does anyone besides you have a key to the  
21   shipping container?

22          A.    It's in a key box.

23          Q.    In a key box?

24          A.    That I have to have access to.

25          Q.    Does anyone else have access to that?

1 A. I would assume Superintendent Carson.

2 Q. Okay, and then do you keep records of  
3 invoices that are paid to third-party contractors for  
4 maintenance?

5 A. Those have been turned over to me by the  
6 Business Office.

7 Q. Okay, so Business Office processes them, and  
8 then they might come to you?

9 A. After a certain time--after they become  
10 inactive.

11 Q. Okay. Okay.

12 A. If they're active, they stay there.

13 Q. Okay. Do you know if there are Internal  
14 Affairs records that are kept by MSI?

15 A. Yes.

16 Q. Okay, do you know what category or series  
17 those would be listed in?

18 A. Internal Affairs.

19 Q. So there's a separate series for Internal  
20 Affairs?

21 A. Yes.

22 Q. Okay, and is it sorted--is it separated or  
23 organized by facility, MSI or CJC, or is it

24 all together?

25 A. I try to sort them by MSI, CJC, try to do

72

1 that with everything, but sometimes, some cases may

2 come over to us, depending on the facility,--

3 Q. Okay.

4 A. --depending on the situation--it's

5 situational; that's what I should say.

6 Q. Does the five-year retention policy apply to

7 Internal Affairs records, as well?

8 A. Yes, they do.

9 Q. Are there any records that fall outside of  
10 that five-year retention policy?

11 A. Medical records. It's ten years.

12 Q. Ten years for medical records?

13 A. By health, and--what is it? Hospitals and  
14 Health Department retention is ten years.

15 Q. Okay, and in your experience, has anyone  
16 ever asked you to destroy records before the five-year  
17 retention period--

18 A. No.

19 Q. --has lapsed?

20 A. No.

21 Q. Good. Are there any Internal Affairs  
22 records in the shipping container for MSI?

23 A. I don't think so, but I'm not a hundred  
24 percent--

25 Q. Okay.

73

1 A. I don't think I would have put them in  
2 there.

3 Q. Okay, where do you think they might be?

4 A. I have some for CJC in my office, and I have  
5 never received any from MSI.

6 Q. Okay, and that's since you have begun  
7 working there in 2013?

8 A. I've never received Internal Affairs records  
9 from MSI.

10 MR. CARROLL: Okay. I think that's it.

11 Thank you, so much, for your time today and for  
12 walking us through your everyday job and your task at  
13 putting things in the shipping container.

14 You have the option to read the transcript  
15 that our court reporter has prepared and make sure  
16 that he spelled everything right and got it all. You  
17 can't change your testimony, or you can waive  
18 signature and trust that he got it right. It's up to



19     you.

20                   MR. WHEATON: I typically recommend that  
21     people waive signature.

22                   THE WITNESS: Okay, whatever you say.

23                   MR. CARROLL: Okay.

24                   MR. WHEATON: She'll waive.

25                   MR. CARROLL: Great, and let's make sure

74

1     that--I don't think you took any of the documents that  
2     we marked as exhibits.

3                   THE WITNESS: I did not.

4                   (Thereupon, at 2:39 P.M., the  
5                   deposition was concluded.)

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1 State of Missouri. )  
2 ) SS.  
3 City of St. Louis )  
4 I, J. Bryan Jordan, a Certified Court  
5 Reporter in and for the State of Missouri, duly  
6 commissioned, qualified and authorized to administer  
7 oaths and to certify to depositions, do hereby certify  
8 that pursuant to Notice in the civil cause now pending  
9 and undetermined in the United States District Court  
10 for the Eastern District of Missouri, Eastern  
11 Division, to be used in the hearing of said cause  
12 before said court, I was attended at the offices of  
13 St. Louis City Hall, 1200 Market Street in the City of

14 St. Louis, State of Missouri, by the aforesaid witness  
15 and by the aforesaid attorneys, on the 14th day of  
16 August, 2018.

17                   The said witness, being of sound mind  
18 and being by me first carefully examined and duly  
19 cautioned and sworn to testify the truth, the whole  
20 truth, and nothing but the truth in the case  
21 aforesaid, thereupon testified as is shown in the  
22 foregoing transcript, said testimony being by me  
23 reported in shorthand and caused to be transcribed  
24 into typewriting, and that the foregoing pages  
25 correctly set forth the testimony of the

76

1 aforementioned witness, together with the questions  
2 propounded by counsel and remarks and objections of  
3 counsel thereto, and is in all respects a full, true,  
4 correct and complete transcript of the questions  
5 propounded to and the answers given by said witness;  
6 that signature of the deponent was waived by agreement  
7 of counsel.

8                   I further certify that I am not of  
9 counsel or attorney for either of the parties to said  
10 suit, not related to nor interested in any of the

11 parties or their attorneys.

12                               Witness my hand and official seal at  
13 St. Louis, Missouri, this 17th day of August, 2018.

14

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19                               <%16517,Signature%>

20                               J. Bryan Jordan

21                               Certified Court Reporter

22                               State of Missouri No. 532

23

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25